

# Exhibit 5

Declaration of Adria Jawort  
(July 17, 2023)

Constance Van Kley  
Rylee Sommers-Flanagan  
Niki Zupanic  
Upper Seven Law  
P.O. Box 31  
Helena, MT 59624  
(406) 306-0330  
constance@uppersevenlaw.com  
rylee@uppersevenlaw.com  
niki@uppersevenlaw.com

*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT, DISTRICT OF MONTANA  
BUTTE DIVISION**

THE IMPERIAL SOVEREIGN COURT  
OF THE STATE OF MONTANA; ADRIA  
JAWORT; RACHEL CORCORAN; THE  
MONTANA BOOK COMPANY; IMAGINE  
BREWING COMPANY, LLC d/b/a  
IMAGINE NATION BREWING  
COMPANY; BUMBLEBEE AERIAL  
FITNESS; MONTANA PRIDE; THE  
WESTERN MONTANA COMMUNITY  
CENTER; THE GREAT FALLS LGBTQ+  
CENTER; THE ROXY THEATER; and  
THE MYRNA LOY,

*Plaintiffs,*

vs.

AUSTIN KNUDSEN; ELSIE ARNTZEN;  
J.P. GALLAGHER; and THE CITY OF  
HELENA,

*Defendants.*

Cause No.  
CV- 23-50-BU-BMM

**Declaration of Adria Jawort**

I, Adria Jawort, declare as follows:

1. I am a resident of Billings, Montana and over the age of 18.
2. I am a transgender woman.
3. I am a member of the Northern Cheyenne Tribe and part of the Two-spirit community. Two-spirit is a term used within some Indigenous communities to refer to tribal members who have both male and female traits. The term reflects traditional Indigenous acceptance of trans and non-binary definitions of gender.
4. I am a journalist and published author, and I speak regularly to libraries and other organizations for educational purposes.
5. I provide education topics including education on Indigenous and transgender history.
6. On June 2nd, 2023, I was scheduled to give a lecture on Indigenous and transgender history in Montana at the Butte Public Library.
7. The day before the lecture, a Butte Public Library librarian notified me that my lecture had been cancelled because Chief Executive J.P. Gallagher determined "it is too much of a legal risk to have a transgendered person in the library." A true and

*Declaration of Adria Jawort*

accurate copy of the email is attached to this declaration as Exhibit A.

8. After the event was cancelled, I reviewed the City and County of Butte-Silver Bow's Facebook page. I saw the following message relating to the cancellation:

PSA

In accordance with Governor Gianforte signing HB359 into law, our county cannot allow an event where a drag king or queen reads children's books and engages in other learning activities with minor children present. Due to this law, we have had to cancel the speaker at the Butte-Silver Bow Library that was scheduled for Friday.

A true and accurate copy of the Facebook message that I reviewed is attached to this email as Exhibit B.


9. Had I been able to provide the scheduled lecture, I would have discussed the history of transgender and Two-spirit people in Montana. I have provided the scheduled lecture many times, including to organizations, government entities, and public libraries.
10. I do not dress in "drag" nor do I identify as a "drag queen" or "drag king" when providing public lectures. When giving talks to

libraries and other institutions about LGBTQ+ and Two-Spirit history in Montana, I appear as myself.

11. I believe my lecture was canceled because I am transgender and/or because I intended to speak about LGBTQ+ issues.
12. The content of my lecture lacks anything resembling “prurient interest.”
13. HB 359 already has denied me my constitutionally protected First Amendment rights of freedom of speech and expression.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 17th day of July, 2023.

DocuSigned by:  
  
49B5EAB3E12E4F1...

---

Adria Jawort

*Declaration of Adria Jawort*

# Exhibit A



----- Forwarded message -----

From: **Shari Curtis Butte -Silver Bow Public Library** <[programming.bsbpl@gmail.com](mailto:programming.bsbpl@gmail.com)>

Date: Thu, Jun 1, 2023, 11:22 AM

Subject: Re: First Fridays: Adria Jawort

To: Jessica Ryder <[the gravelroadmt@gmail.com](mailto:the gravelroadmt@gmail.com)>, Julie Bushmaker <[juliebushmaker@gmail.com](mailto:juliebushmaker@gmail.com)>, graham <[jezgragham@gmail.com](mailto:jezgragham@gmail.com)>, Alan Kesselheim <[alandmp@aol.com](mailto:alandmp@aol.com)>, <[willoughbysa@gmail.com](mailto:willoughbysa@gmail.com)>, Karen Myers <[mysully2@yahoo.com](mailto:mysully2@yahoo.com)>, Luanne Harbert <[luanne.harbert@gmail.com](mailto:luanne.harbert@gmail.com)>, Melody Rice <[arttherapyinmt@q.com](mailto:arttherapyinmt@q.com)>, Marian Jensen <[cyberisak@gmail.com](mailto:cyberisak@gmail.com)>, CLAUDE H ORVIS <[claudeoervis2@msn.com](mailto:claudeoervis2@msn.com)>, Mccrea, Donna <[Donna.Mccrea@mso.umt.edu](mailto:Donna.Mccrea@mso.umt.edu)>, Marlene Holayter <[holayter@aol.com](mailto:holayter@aol.com)>, Andrew Zemljak <[zemmic46@hotmail.com](mailto:zemmic46@hotmail.com)>, Joe McCarthy <[joe\\_mccarthy@bresnan.net](mailto:joe_mccarthy@bresnan.net)>, Dianna Porter <[portardianna@hotmail.com](mailto:portardianna@hotmail.com)>, Bishop, Debbie <[dbishop14@bresnsn.net](mailto:dbishop14@bresnsn.net)>, Gene Davenport <[gene\\_d55@hotmail.com](mailto:gene_d55@hotmail.com)>, Rich Day <[richday@bresnan.net](mailto:richday@bresnan.net)>, David Braaten <[david.braaten@smsu.edu](mailto:david.braaten@smsu.edu)>, Margaret Winninghoff <[mprwinninghoff@icloud.com](mailto:mprwinninghoff@icloud.com)>, Kristi O'Leary <[kindlycatwoman@gmail.com](mailto:kindlycatwoman@gmail.com)>, Henrietta Shirk <[henrietta.shirk@gmail.com](mailto:henrietta.shirk@gmail.com)>, Adrian Jawort <[adrianjawort@gmail.com](mailto:adrianjawort@gmail.com)>

It is with much regret that I must inform you that we have to cancel tomorrow's talk. JP Gallagher, Chief Executive, and Eileen Joyce, County Attorney, have decided it is too much of a risk to have a trans-person in the library.

Please let me know if I can answer any questions

Shari

*Shari Curtis*

Adult Services Librarian & Carle Gallery Manager

Butte-Silver Bow Public Library

[programming.bsbpl@gmail.com](mailto:programming.bsbpl@gmail.com)

(406) 723-3361 x 6302

On Fri, May 26, 2023 at 8:00AM Shari Curtis Butte -Silver Bow Public Library <[programming.bsbpl@gmail.com](mailto:programming.bsbpl@gmail.com)> wrote:

Below is the link for First Fridays this week. I will be in the library with the speaker, but if you'd like to join us virtually.

Butte-Silver Bow Public Library is inviting you to a scheduled Zoom meeting.

Topic: First Fridays: Adria Jawort

Time: Jun 2, 2023 11:00 AM Mountain Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/81366311486?pwd=b3RWYnpSaGM3SVRybWJZUFdmOVZZZz09>

Meeting ID: 813 6631 1486

Passcode: 093763

One tap mobile

+16699009128,,81366311486#,,,,\*093763# US (San Jose)

+17193594580,,81366311486#,,,,\*093763# US

Dial by your location

+1 669 900 9128 US (San Jose)

+1 719 359 4580 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 444 9171 US

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 360 209 5623 US

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 646 558 8656 US (New York)

+1 646 931 3860 US

+1 689 278 1000 US

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

Meeting ID: 813 6631 1486

Passcode: 093763

Find your local number: <https://us02web.zoom.us/j/81366311486?pwd=b3RWYnpSaGM3SVRybWJZUFdmOVZZZz09>

*Shari Curtis*

**Shari Curtis**

Adult Services Librarian & Carle Gallery Manager  
Butte-Silver Bow Public Library  
[programming.bsbpl@gmail.com](mailto:programming.bsbpl@gmail.com)  
(406) 723-3361 x 6302



# Exhibit B

Butte-Silver Bow

Posts About Videos More ▾



**Butte-Silver Bow**

4h · 🌐



PSA

In accordance with Governor Gianforte signing HB359 into law, our county cannot allow an event where a drag king or queen reads children's books and engages in other learning activities with minor children present. Due to this law, we have had to cancel the speaker at the Butte-Silver Bow Library that was scheduled for Friday.



6 comments 3 shares



Like



Comment



Share



**Butte-Silver Bow**

6h · 🌐



Start of Pride month with these great human beings.

